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FM AMEMBASSY BOGOTA  
TO RUEHC/SECSTATE WASHDC PRIORITY 2992  
INFO RUEHCV/AMEMBASSY CARACAS PRIORITY 0479  
RUEHLP/AMEMBASSY LA PAZ MAY 9460  
RUEHPE/AMEMBASSY LIMA PRIORITY 6226  
RUEHZP/AMEMBASSY PANAMA PRIORITY 1779  
RUEHQT/AMEMBASSY QUITO PRIORITY 6884  
RUEHGL/AMCONSUL GUAYAQUIL PRIORITY 4439  
RHMFISS/CDR USSOUTHCOM MIAMI FL PRIORITY

C O N F I D E N T I A L BOGOTA 001951

SIPDIS

E.O. 12958: DECL: 05/23/2018  
TAGS: [PHUM](#) [PGOV](#) [KJUS](#) [CO](#)  
SUBJECT: PROSECUTOR GENERAL MAKES PROGRESS ON SAN JOSE DE  
APARTADO HUMAN RIGHTS CASES

REF: A. 07 BOGOTA 8400

[1](#)B. BOGOTA 1282

Classified By: Political Counselor John S. Creamer.  
Reason: 1.4 (b) and (d)

SUMMARY

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[1](#)1. (U) On May 17, local media reported that Army Captain Guillermo Gordillo of the 17th Brigade had confessed to participating in the February 21, 2005 murder of eight civilians near San Jose de Apartado. Gordillo claimed that the Brigade's commander and other senior officers "must have known" about the massacre, but the prosecutor handling the case told us there is no additional evidence linking the commander to the incident. In a separate case, the Department of Administrative Security (DAS) arrested retired sergeant Luis Eduardo Mahecha on May 15 for the murder of a farmer near Apartado. END SUMMARY.

[1](#)2. (U) Army Captain Gordillo confessed in preliminary testimony to the Prosecutor General's office (Fiscalia) to military collusion with former paramilitary groups in the February 21, 2005 murder of eight civilians, including two minors, near San Jose de Apartado (reftels A and B). This is the first official admission by military personnel that elements of the 17th Brigade participated in the murders together with the paramilitary Heroes de Tolova Block led by Diego Fernando Murillo Bejarno (Don Berna). Murillo accepted responsibility for the murders in Justice and Peace Law testimony on May 7; other paramilitaries have also testified about military complicity in the murders. MAPP/OAS head Sergio Caramagna told us Justice and Peace testimony was key to exposing the military's role in the murders.

[1](#)3. (U) Gordillo said 100 military, along with 50 members of the Tolova bloc, were patrolling the area together. The military included members of the Bolivar and Anzoategui company of the Velez Infantry Battalion, as well as members of the Alacran company of the 33rd Battalion. Gordillo stated that General Hector Jaime Fandino (ex-commander of the 17th Brigade), Colonel Eduardo Espinosa Beltran (Commander of the Velez Battalion), and Major Jose Fernando Castano (second in operational command of the Battalion) were aware of the joint patrols with the paramilitaries.

[1](#)4. (C) The Fiscalia prosecutor in the case, Nelson Casas, told us on May 21 that there is no evidence linking Fandino or Espinosa to the murders. Other than Gordillo's supposition that they "must have known" about the massacre, there is no other testimony indicating their involvement.

Still, Casas said there is additional evidence showing Major Castano's participation in the massacre. The Fiscalía plans to formally charge him the week of May 26.

15. (U) In a separate incident, the DAS arrested retired sergeant Luis Eduardo Mahecha on May 15 in connection with the March 11, 2006 murder of Jose Orlando Giraldo Barrera, a local farmer in Apartado. His arrest stemmed from a DAS investigation that begun in September 2006 at the request of the Fiscalía's Human Rights unit. Mahecha allegedly murdered Giraldo and presented him as a "false positive," or a terrorist killed in combat. Mahecha was also named by Judge Edmundo Lopez of the 4th Specialized Criminal Court in Cali as an accomplice during the sentencing of Colonel Byron Carvajal in the May 22, 2006 Jamundi massacre of ten counter-narcotics police by a Army unit.

BROWNFIELD